

Tippecanoe County Drainage Board
Minutes
April 4, 2007
Regular Meeting

Those present were:

Tippecanoe County Drainage Board President John Knochel, Vice President Ruth Shedd, member KD Benson, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering Limited, and Drainage Board Secretary Brenda Garrison. Project Manager Zachariah Beasley was also in attendance.

Approval of Minutes

Ruth Shedd made a motion to approve the March 7, 2007 Regular Drainage Board minutes as written. KD noted a couple revisions to be made to the minutes. KD Benson made a motion to amend the minutes to reflect the correct spelling of landowner Roger Verhey's last name (as shown here) and indicate Paul Dietz had stated he notified landowners concerning the Winding Creek Section 5 & 6 project before the board. She then seconded the motion with amendments as stated. The March 7, 2007 Drainage Board meeting minutes were approved with the amendment.

Campus Suites

Paul Dietz from Vester and Associates appeared before the Board to present Campus Suites for final approval. The site consisted of approximately 20 acres and was located north of U.S. 52 south of Hadley Lake. Approximately 4 acres of the site lied within the flood plain and would not be disturbed. The site would accommodate a clubhouse, maintenance building, nine apartment buildings and a mail kiosk. The majority of the site drained north to the Dempsey Baker Drain and Hadley Lake while the remaining portion drained south through Paramount Lakeshore Subdivision to the Cuppy McClure Drain with two exceptions. Approximately 1.7 acres would continue to go south and the net flow would not be increased. Approximately 1.2 acres to the north would flow directly north through a wooded and shrub area to Hadley Lake.

Paul stated he was requesting two variances for this project. The first variance requested regarded the Post Construction Stormwater Quality requirement. The 1.7 acres draining south was treated with a filter strip to 48% before exiting the site to an existing detention pond at Paramount Lakeshore Subdivision. The 1.2 acres which drained north received an uncalculated amount of treatment through the stated trees and shrub area before reaching Hadley Lake. The approximately 13 acres within the site was subject to "double treatment" with Stormwater inserts and an extended dry detention pond to achieve 94%. The overall weighed treatment factor was 77%; this was just short of the 80% required by Ordinance.

A second variance was requested regarded building pad elevation requirements. The Ordinance required building pads to be 1.25 feet or higher above the invert of the emergency flow path. Due to the handicap accessibility design, a modest grade was required from the parking lot to the building. In many cases the buildings were right on top of the parking lots. The handicap access could not be obtained to achieve the required differential and adhere to the building pad elevation requirement. At the CI1 inlet and Inlet 2 affecting Building 6 location there are 1.25 feet to the first floor but not to the pads. On top of the pad elevation would be an additional eight inches to the first floor. Beehive #1 affects Building 2 and has the same circumstance. Most of the drainage on the site drained to structures 9 & 12. The buildings surrounding those structures met the requirements of the Ordinance. Paul stated he concurred with the March 27, 2007 Burke memo and requested the variances as well as final approval.

Responding to John's inquiry, Paul discussed the building pad elevations. Concerning the Clubhouse, he stated while the elevation would be approximately a foot higher than the ponded water elevation it still would not reach the required 1.25 elevations. Due to handicap access requirements and topography the building grades could not be higher. Responding to Dave Luhman's inquiry, Paul stated the Clubhouse and Building's 2 & 6 did not meet the building pad elevation requirement. (Building 2 & 6 were residential buildings.) Paul stated the ramp had to have a certain grade and to meet the pad requirements there has to be a certain elevation below the building. On most of the buildings the pad elevation requirement was met, however they were unable to meet that requirement on Buildings 2&6 and the Clubhouse. KD asked why a parking space could not be turned into a handicap ramp. Joe Bumbleburg (Attorney for Tom Lang Developer) stated it was not a question of loosing one parking space. If the building was moved you would loose the parking spaces for the entire length of

the building. So you would lose a whole frontage of parking spaces. He continued that the balancing act was as follows: One- has a system been constructed which met the spirit of the Ordinance, Two – have you placed it and made it work with the handicap situation which was very important, Three - the creation of parking spaces for this area were constructed as a balancing act between the competing interests. He stated he felt Vesters and Associates had done a good job with the interests at hand. Responding to Dave Luhman's inquiry, Paul stated the eight inches between the pad and the first floor elevation would consist of solid concrete. There would be no construction or mechanical materials located within those eight inches. Dave Eichelberger stated the following: The Ordinance required an emergency routing path that has a building pad one foot above the one hundred year elevation. If you do not want to calculate what the one hundred year elevation is then you have to put it one and half feet above the breakout elevation at the minimum. A few areas have less than one and half feet of feed board between the pad and where the water breaks out. One could calculate the elevation or use the table within the ordinance. Five of the eight areas met the requirement and two areas (which were minor) do not.

The Surveyor stated he had a concern of liability with this issue as well. Responding to KD's inquiry, the Surveyor noted he was not aware of any problems in the 2004 rainfall event other than the northern edge which was located within the flood plain. He confirmed that Hadley Lake did not overflow during the 2004 rainfall event. Indian Creek flooded as it jumped its banks and ran south and east into Hadley Lake. The Surveyor stated he concurred with the Board Attorney that the owners of Hadley Lake was not required to be notified of today's meeting in this case. KD brought up the issue of the trails in that location. Mr. Bumbleburg stated the trails were a non issue at this point as he had been in contact with the Superintendent concerning this project. John Knochel asked for public comment. There was none.

The Surveyor recommended approval for Variance #1 regarding the post construction stormwater runoff with the added condition of an addition to the Operation and Maintenance Manual regarding required periodic maintenance of the area to the north. The addition should state this area (which is currently vegetated) would be undisturbed and frequently mowed (2-3 times yearly). Ruth Shedd made a motion to grant Variance #1 with the added condition of the addition to the Operation and Maintenance Manual for the required periodic maintenance of the area to the north (which is currently vegetated). This area would remain undisturbed and is to be frequently mowed (2-3 times yearly).

The Surveyor stated he could not recommend approval of Variance #2 regarding the minimal freeboard requirement as it was technically out of compliance with the Ordinance. John Knochel stated he felt the Board had granted Variances previously on technicalities. In this case and after the explanation by Mr. Dietz he felt the variance could be accepted. He agreed with Commissioner Shedd concerning the need for an agreement which would not hold the Drainage Board liable in the future for the approval of the Variance. Dave Luhman informed the Board the developer was willing to indemnify and hold the County and Drainage Board harmless if the exemption was granted. The Variance could be approved subject to this. The Surveyor then stated he would be comfortable with that. KD Benson stated she preferred they build one less building and meet the Ordinance guidelines. John Knochel asked for those opposed. KD Benson indicated her opposition. On motion by Ruth Shedd, seconded by KD Benson, the Variance #2 was approved subject to the condition that the owner indemnifies and holds the County and the Drainage Board harmless from any damages, costs or expenses arising out of or related to the grant of such Variance. Mr. Bumbleburg advised the Board of the owner's acceptance of and agreement to such condition.

The Surveyor recommended final approval with the conditions as stated on the March 27, 2007 Burke Review memo. Responding to Attorney Luhman's inquiry, the Surveyor stated the third Variance under Stormwater Quantity within the memo was not required as it met the exemption criteria listed in Chapter 3 of the Ordinance. Ruth Shedd made a motion to grant final approval on Campus Suites with the conditions as stated on the March 27, 2007 Burke memo. KD Benson seconded the motion. Campus Suites was granted final approval with conditions as stated.

Other Business

There was no other business presented to the Board.

Public Comment

Norm Bennett landowner at 952 Kerber Road West Lafayette Indiana 47906 approached the Board to inquire about the status of the Mackey-Whaley tile obstruction investigation. He owned property that outlet to the field tile in question. He expressed his desire for the County to make this tile a County Regulated Drain. The wet area was now 6-8 inches from State Road 26 at this time. He expressed concern the State may raise the road elevation at that location and this would flood his field. Responding to KD, the Surveyor stated he had three options: 1- Recommend acceptance as a New Regulated Drain and the Establishment of a County Maintenance Fund 2- Recommend the acceptance as a New Regulated Drain and the

Establishment of a County Maintenance AND County Reconstruction Fund 3- He could also report it was not a public utility and that it should not be accepted as a County Regulated Drain. He explained they have been investigating the tile for the last year plus and it was an ongoing investigation. He reviewed the area for the Board on GIS. They have been unable to get the water table down to review the tile system's condition. He informed the Board some tile repairs were made which Mr. Fred Whaley agreed to and has since paid for. Monies from the General Improvement fund have also been utilized during the investigation process. He reiterated an absolute solution to the problem has not been found. He did not want to recommend a reconstruction if in fact part of the tile system was still salvageable and noted his final report has yet to be presented to the Board. KD stated if something was not done a row of homes in that location would not be usable and the potential for additional homes being flooded was evident. One home had already been foreclosed upon due to the situation at hand. The Board Attorney stated a personal representative of an estate has the authority to act upon the estates interest. The Surveyor noted Mr. Fred Whaley had visited the office within the past week and they continue to be in contact with him. KD asked if the Surveyor could inquire if he- Mr. Fred Whaley would be willing to go ahead and make the necessary repairs. The Surveyor stated historically the property owner (Mr. Fred Whaley's brother-in-law) had refused to do any tile repair, which had resulted in the problem at hand. Responding to KD's suggestion, the Surveyor stated he would speak with Mr. Fred Whaley concerning the issue.

As there was no other public comment, Ruth Shedd made a motion to adjourn. The meeting was adjourned.

John Knochel, President

Ruth Shedd, Vice President

Brenda Garrison, Secretary

KD Benson, Member